

**United States District Court
For the District of Massachusetts**

CIVIL ACTION NO.: 2005-10530-JLT

MOUNTAIN PEAKS FINANCIAL)
SERVICES, INC.,)
PLAINTIFF)
JUDGMENT CREDITOR,)
v.)
PHILIP B. McADAM,)
DEFENDANT)
JUDGMENT DEBTOR.)

ANSWER OF THE DEFENDANT

Now comes the Defendant, Philip B. McAdam, in the above-entitled matter and answers the Complaint of Mountain Peaks Financial Services, Inc. as follows:

1. Defendant is without sufficient knowledge to answer Section 1 and calls upon the Plaintiff to prove same.
2. Admitted.
3. Denied. Where the Defendant further says that neither the Plaintiff nor the Defendant reside in nor have citizenship in the Commonwealth of Massachusetts.
4. Denied.
5. Admitted.
6. Defendant calls upon the Plaintiff to prove the allegations contained in Section 6.
7. Denied.
8. Calls for no reply.
9. Denied.
10. Admitted.

The Defendant further says that:

11. He believes that the original holder of the note was partially satisfied by a co-maker which is not reflected in the Plaintiff's pleadings.
12. The only relationship the instant action has to the Commonwealth of Massachusetts is the Execution issued by the Lawrence District Court.
13. The courts of the State of New Hampshire and the Federal District Court in the State of New Hampshire are obligated to give full faith and credit to this judgment.
14. The venue of this court is inappropriate and is not a convenient forum for this action.

Wherefore, the Defendant respectfully requests that this matter be dismissed for the failure of jurisdiction of the United States District Court for the District of Massachusetts and that the Defendant be awarded attorney's fees and costs.

Dated: April 19, 2005

Philip B. McAdam,
By his Attorney,



George J. Basbanes, Esquire
BASBANES & CHENELLE
648 Central Street
Lowell, MA 01852
(978) 459-3333
BBO #032840